

Settlement/Hearing: April 28<sup>th</sup>, 2010  
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 07-22216 RDD

**RICHARD J. HOGAN AND  
LESLIE A. GIRARD HOGAN,**

**NOTICE OF SETTLEMENT**

Debtors

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**PLEASE TAKE NOTICE**, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 28<sup>th</sup> day of April, 2010 at 10:00 A.M. in the Judge's Chambers, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

**PLEASE TAKE FURTHER NOTICE**, that Hearings on Objections, if any, to be conducted same place, date and time. Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

/Dated: White Plains, New York  
March 11<sup>th</sup>, 2010

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir (JLS 0938)**  
**Chapter 13 Trustee**  
**399 Knollwood Road**  
**White Plains, New York 10603**  
**Chapter 13 Tel. 914-328-6333**

**TO:** United States Trustee  
33 Whitehall Street  
New York, New York 10004

Richard J. and Leslie A. Hogan  
11 South Serven Street  
Pearl River, New York 10965

Joshua N. Bleichman, Esq.  
268 Route 59  
Spring Valley, New York 10977

American Home Mortgage Servicing, Inc., Servicer  
Wells Fargo Bank, NA  
c/o Fein Such & Crane, LLP  
28 East Main Street #1800  
Rochester, New York 14614

NYS Department of Taxation & Finance  
Bankruptcy Section  
P.O. Box 5300  
Albany, New York 12205

Option One  
Cashiering  
P.O. Box 44042  
Jacksonville, Florida 32231

Chase Bank, USA, NA  
c/o Chase Auto Finance  
P.O. Box 901032  
Fort Worth, Texas 76101-2032

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 07-22216 RDD

**RICHARD J. HOGAN AND  
LESLIE A. GIRARD HOGAN,**

Debtors

-----X

**ORDER DISMISSING CHAPTER 13 CASE**

The chapter 13 trustee having moved for an order dismissing this chapter 13 case; and upon the motion and the record of the hearing held on April 28, 2010, the Court having found that the above-captioned debtors have failed to comply with the provision of 11 U.S.C. § 1307 (c)(6) and the order confirming plan dated March 3, 2008 directing the debtors to remit monthly payments according to plan, and the debtors failing to comply therewith, and being, at this juncture, in material arrears with plan payments to the trustee, and there being a material default in this confirmed plan, and good cause appearing,

**IT IS ORDERED THAT:**

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York  
April , 2010

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**UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 07-22216 RDD

**RICHARD J. HOGAN AND  
LESLIE A. GIRARD HOGAN,**

**TRUSTEE'S AFFIDAVIT**

Debtor s

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STATE OF NEW YORK            )  
COUNTY OF WESTCHESTER ) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtors filed a Chapter 13 proceeding on March 12<sup>th</sup>, 2007.
3. The debtors failed to comply with the provisions of 11 U.S.C. §1307 (c) (6).
4. The debtors failed to comply with the Order Confirming Plan dated

March 3<sup>rd</sup>, 2008, whereby the debtors must remit monthly payments to the trustee in the sum of \$537.00 for 4 months, and \$1,420.00 for 56 months.

5. The debtors have paid the trustee to date the sum of \$33,388.00.
6. The debtors are \$12,780.00 in arrears in plan payments to the trustee.
7. There exists a material default in this confirmed plan.

**WHEREFORE**, the trustee respectfully requests that the annexed order dismissing

this case, be signed.

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir**

Sworn to before me this  
11<sup>th</sup> day of March, 2010

/s/ Jody L. Kava  
Jody L. Kava  
Notary Public, State of New York  
No. 4836806  
Qualified in Westchester County  
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 07-22216 RDD

**RICHARD J. HOGAN AND  
LESLIE A. GIRARD HOGAN,**

Debtors

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**AFFIDAVIT OF MAILING**

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        ) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in  
the County of Westchester , State of New York.

On March 11<sup>th</sup>, 2010, I served a true copy of the within document, to the herein  
listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed  
envelope with postage prepaid thereon, in an official depository of the United States Postal  
Service within the State of New York to the following:

**TO:** United States Trustee  
33 Whitehall Street  
New York, New York 10004

Richard J. and Leslie A. Hogan  
11 South Serven Street  
Pearl River, New York 10965

Joshua N. Bleichman, Esq.  
268 Route 59  
Spring Valley, New York 10977

American Home Mortgage Servicing, Inc., Servicer  
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Bankruptcy Section  
P.O. Box 5300  
Albany, New York 12205

Option One  
Cashiering  
P.O. Box 44042  
Jacksonville, Florida 32231

Chase Bank, USA, NA  
c/o Chase Auto Finance  
P.O. Box 901032  
Fort Worth, Texas 76101-2032

/s/ Lois Rosemarie Esposito  
**Lois Rosemarie Esposito**

Sworn to before me this  
11<sup>th</sup> day of March, 2010

/s/ Jeffrey L. Sapir  
Jeffrey L. Sapir  
Notary Public, State of New York  
No. 60-8764500  
Qualified in Rockland County  
Cert. Filed in Westchester County  
Term Expires: 12/31/10